IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 462 of 1994

in

SPECIAL CIVIL APPLICATIONNo 13214 of 1993

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHANDRODA SEVA SAHAKARI MANDALI LTD

Versus

STATE OF GUJARAT

Appearance:

1. LETTERS PATENT APPEAL No. 462 of 1994

MR KETAN SHAH for MR TUSHAR MEHTA for Appellant No.

MR AP BHATT AGP for Respondent No. 1,3

MR DA BAMBHANIA for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA

and

HON'BLE MR.JUSTICE M.C.PATEL

Date of decision: 24/08/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

Appellant-Chandroda Seva Sahakari Mansdali Ltd. has challenged in this appeal, the judgment and order dated 18.8.1994 passed by the learned Single Judge of this court dismissing the Special Civil Application No.13214/93 filed by the appellant-petitioner under Articles 226 and 227 of the Constitution of India. However, strictly speaking, it is a petition under Article 227 of the Constitution and in fact the learned Single Judge himself has also exercised his jurisdiction as such under Article 227 of the Constitution, which is clear from first para of the impugned judgment wherein the learned Single Judge has stated that this was a petition under Article 227 of the Constitution of India. Hence, without going into the merits of the case, this appeal was required to be dismissed summarily on the ground of its maintainability as no Letters Patent Appeal would lie against the order passed by the learned Single Judge of this court in exercise of his jurisdiction under Article 227 of the Constitution, as held by the Division Bench of this court in the case of Ishwarbhai Narottambhai Patel v. K.H.Trivedi reported in 2003(3) GLR 1878.

Accordingly, this appeal fails and is hereby dismissed. Interim relief granted earlier stands vacated forthwith. No order as to costs.

(B.J.Shethna, J.)

(M.C.Patel, J.)

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